

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Civil Action No. 12-cv-00487-MOC-DCK

DAVID HOLMES, HERTA S. THEBERGE,  
MARGUERITE K. POTTER, and the  
MARGUERIT K. POTTER REVOCABLE  
TRUST, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., in its own capacity and as successor by merger to BAC Home Loans Servicing, L.P., SEATTLE SPECIALTY INSURANCE SERVICES, INC., in its own capacity and as successor in interest to COUNTRYWIDE INSURANCE SERVICES, INC., ILLINOIS UNION INSURANCE COMPANY, and CERTAIN UNDERWRITERS AT LLOYD'S LONDON, including all underwriters who underwrote force-placed wind insurance policies for Bank of America, as the insured during the applicable limitations period and LLOYD'S UNDERWRITERS AT, LONDON,

Defendants.

**CONSENT MOTION FOR EXTENSION  
OF TIME TO RESPOND TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT**

Defendants Bank of America, N.A., in its own capacity and as successor by merger to BAC Home Loans Servicing, L.P (“Bank of America”), Seattle Specialty Insurance Services, Inc. in its own capacity and as successor in interest to Countrywide Insurance Services, Inc. (“Seattle Specialty”), and Illinois Union Insurance Company (“Illinois Union”), (collectively “Defendants”), moves with the consent of Plaintiffs for an extension of time to respond to Plaintiffs’ First Amended Class Action Complaint up to and including December 17, 2012. In support thereof, Defendants state as follows:

1. On October 30, 2012, Plaintiffs filed their First Amended Class Action Complaint containing 190 numbered paragraphs.

2. Plaintiffs' First Amended Class Action Complaint named three new Plaintiffs, three new Defendants, and asserted two additional claims for relief.

3. Bank of America and Illinois Union, were served with the First Amended Class Action Complaint on October 30, 2012, and their responses are currently due on November 16, 2012.

4. Seattle Specialty was served with the First Amended Class Action Complaint on November 5, 2012, and its response is currently due November 26, 2012.

5. Counsel for Defendants require additional time to prepare their responses to Plaintiffs' First Amended Class Action Complaint.

6. Counsel for Defendants have consulted with Plaintiffs' counsel, who has consented to this Motion and the proposed extension up to and including December 17, 2012 for Defendants' responses to Plaintiffs' First Amended Class Action Complaint.

7. The time for responding to Plaintiffs' First Amended Class Action Complaint has not expired.

8. This Motion is made in good faith and not for the purpose of delay.

Dated: November 8, 2012

Respectfully submitted:

<p>/s/ Steven N. Baker</p> <p>Bradley R. Kutrow, NC Bar No. 13851 bkutrow@mcguirewoods.com</p> <p>Brian A. Kahn, NC Bar No. 29291 bkahn@mcguirewoods.com</p> <p>Steven N. Baker, NC Bar No. 36607 sbaker@mcguirewoods.com</p> <p>McGUIREWOODS LLP</p> <p>201 N. Tryon Street, Suite 3000 Charlotte, NC 28202</p> <p>T: (704) 343-2262 F: (704) 353-6172</p> <p>David L. Permut (<i>pro hac vice</i>) dpermut@goodwinprocter.com</p> <p>GOODWIN PROCTER LLP</p> <p>901 New York Avenue, NW Washington, DC 20001</p> <p>T: (202) 346-4182 F: (202) 346-4444</p> <p>Matthew G. Lindenbaum (<i>pro hac vice</i>) mlindenbaum@goodwinprocter.com</p> <p>Brian M. LaMacchia (<i>pro hac vice</i>) blamacchia@goodwinprocter.com</p> <p>David S. Kantrowitz (<i>pro hac vice</i>) dkantrowitz@goodwinprocter.com</p> <p>GOODWIN PROCTER LLP</p> <p>Exchange Place Boston, MA 02109</p> <p>T: (617) 570-8318 F: (617) 523-1231</p> <p><i>Attorneys for Defendant Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, L.P.</i></p>	<p>/s/ David L. Brown</p> <p>David L. Brown, NC Bar No. 18942 dbrown@nldhlaw.com</p> <p>Brady A. Yntema, NC Bar No. 25771 byntema@nldhlaw.com</p> <p>NELSON LEVINE DELUCA &amp; HAMILTON LLC</p> <p>800 Green Valley Road, Suite 302 Greensboro, NC 27408</p> <p>T: (336) 419-4900 F: (336) 419-4950</p> <p>Eric R. Dinallo (<i>pro hac vice</i>) edinallo@debevoise.com</p> <p>Robert D. Goodman (<i>pro hac vice</i>) rdgoodman@debevoise.com</p> <p>DEBEVOISE &amp; PLIMPTON, LLP</p> <p>919 Third Avenue New York, NY 10022</p> <p>T: (212) 909-6000 F: (212) 521-7967</p> <p><i>Attorneys for Defendant Illinois Union Ins. Co.</i></p>
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as successor in interest to Countrywide  
Insurance Services, Inc.*

**CERTIFICATE OF SERVICE**

I, Bradley R. Kutrow, hereby certify that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following parties in this case:

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Dated: November 8, 2012

/s/ Steven N. Baker

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Defendants.

**[PROPOSED] ORDER GRANTING  
CONSENT MOTION FOR EXTENSION  
OF TIME TO RESPOND TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT**

**THIS MATTER IS BEFORE THE COURT** on Defendants' Bank of America, N.A., in its own capacity and as successor by merger to BAC Home Loans Servicing, L.P., Seattle Specialty Insurance Services, Inc. in its own capacity and as successor in interest to Countrywide Insurance Services, Inc., and Illinois Union Insurance Company, (collectively, "Defendants"), Consent Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint filed November 8, 2012 (Document No. \_\_\_\_). Having carefully considered the Motion, the undersigned will **GRANT** the Motion as follows:

1. It is, therefore, **ORDERED** that Defendants' Consent Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint is **GRANTED**, and the new deadline for the filing of Defendants' answers or other responses to Plaintiffs' First Amended Class Action Complaint (Document No. 40) is December 17, 2012.